

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO.: 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and
SUZANNE NAGELSKI,

Plaintiffs,

vs.

PREFERRED PAIN MANAGEMENT
& SPINE CARE, P.A., *et. al.*

Defendants.

DEFENDANTS' JOINT
APPENDIX

Defendants, Preferred Pain Management & Spine Care, P.A., Dr. David Spivey, and Sherry Spivey, through their undersigned counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby jointly submit the following materials in support of their Motions for Summary Judgment against Plaintiffs in the above-captioned matter:

EXHIBIT	DESCRIPTION
A.	<p>Excerpts of Deposition Transcript of Suzanne Nagelski</p> <ul style="list-style-type: none">• Deposition Exhibit 6 – 7/25/13 Email from Dr. Spivey• Deposition Exhibit 7 – Text Messages• Deposition Exhibit 8 – Text Messages• Deposition Exhibit 9 – Dec. 21 2014 Email from Nagelski• Deposition Exhibit 10 – Text Messages• Deposition Exhibit 11 – Text Messages• Deposition Exhibit 12 – Text Messages• Deposition Exhibit 13 – July 27 2015 Email from Nagelski• Deposition Exhibit 14 – July 28 2015 Email from Nagelski• Deposition Exhibit 15 – Text Messages• Deposition Exhibit 18 – May 6 2015 Letter from Jennifer Bailey

EXHIBIT	DESCRIPTION
	<ul style="list-style-type: none"> Deposition Exhibit 29 – 01/17/2016 Termination letter
B.	<p>Excerpts of Deposition Transcript of Rebecca Kovalich</p> <ul style="list-style-type: none"> Deposition Exhibit 10 – Text Messages Deposition Exhibit 11 – Text Messages Deposition Exhibit 12 – Text Messages Deposition Exhibit 13 – 03/12/2016 Email from Kovalich Deposition Exhibit 17 – 08/08/2015 Email from Dr. Spivey Deposition Exhibit 19 – EEOC Charge
C.	<p>Excerpts of Deposition Transcript of Dr. David Spivey</p> <ul style="list-style-type: none"> Deposition Exhibit 27 – 2017 PPM Cash Balance Plan Deposition Exhibit 90 – PPM Cash Balance Plan Summary Plan Description
D.	<p>Excerpts of Deposition Transcript of Sherry Spivey</p> <ul style="list-style-type: none"> Deposition Exhibit 63 – Text Messages Deposition Exhibit 67 – 10/27/2015 Email from Spivey Deposition Exhibit 97 – EEOC Charge
E.	Excerpts of Deposition Transcript of Mary Benton
F.	Excerpts of Deposition Transcript of Vicki Swicegood
G.	Excerpts of Deposition Transcript of Gretchan Hawks
H.	Excerpts of Deposition Transcript of Wendy Yontz
I.	<p>Excerpts of Deposition Transcript of 30(b)(6) Deposition of Wendy Yontz – Volume I</p> <ul style="list-style-type: none"> Deposition Exhibit 100 – Topic 3 of Supplemental Information Deposition Exhibit 102 – Topic 6 of Supplemental Information
J.	Declaration of Dr. David Spivey

EXHIBIT	DESCRIPTION
K.	<p>Declaration of Sherry Spivey</p> <ul style="list-style-type: none"> Exhibit 1: 07/29/2013 Email from Nagelski Exhibit 2: 04/11/2014 Email from S. Spivey Exhibit 3 – Text Messages
L.	<p>Declaration of Wendy Yontz</p> <ul style="list-style-type: none"> Exhibit 1: 05/06/2016 Email from Kovalich Exhibit 2: 10/02/2014 Email from Dr. Spivey Exhibit 3: 09/16/2015 Email Exhibit 4: 09/16/2015 Email Exhibit 5: 09/16/2015 Email Exhibit 6: 05/11/2015 Email from Nagelski Exhibit 7: 05/07/2015 Email from Jennifer Bailey Exhibit 8: 03/06/2015 Email from Nagelski Exhibit 9: 05/07/2015 Email from S. Spivey Exhibit 10: 01/17/2014 Email from Nagelski Exhibit 11: 03/13/2015 Email from Nagelski Exhibit 12: 06/01/2016 Email from Mary Benton Exhibit 13: 06/02/2016 Email from Dr. Spivey Exhibit 14: 06/13/2016 Email from Mary Benton Exhibit 15: 03/04/2015 Email from Jennifer Bailey Exhibit 16: 09/27/2014 Email from Dr. Spivey Exhibit 17: 07/08/2015 Email from S. Spivey Exhibit 18: Chart of 7 Employees Listed in Complaint Exhibit 19: Chart of 6 Employees Hired for PPM Laboratory in July 2013
M.	<p>Declaration of Mary Benton</p> <ul style="list-style-type: none"> Exhibit 1: PPM 2016 Action Plan Exhibit 2: Mary Benton Invoices
N.	<p>Declaration of Brandi Frey</p>

Respectfully submitted this the 1st day of October.

JACKSON LEWIS P.C.

/s/ Ann H. Smith

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CERTIFICATE OF
SERVICE

The undersigned certifies that on October 1, 2018, the foregoing *Defendants' Joint Appendix* was electronically filed with the Clerk of the Court, using the Court's CM/ECF electronic service system, which will send notification of such filing as follows:

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